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# **Notice of Allowability**

Application No.

10/542,497

Examiner

Allen C. Ho

Applicant(s)

SOMMER, ANDRES

Art Unit

2882

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 15 July 2005.
2. ☒ The allowed claim(s) is/are 17-31.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 20050715
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 17-31 are allowed.
2. The following is an examiner's statement of reasons for allowance:

With regard to claims 17-26, the closest prior art (U. S. Patent No. 5,901,198) discloses a method for operating a tomography apparatus, the method comprises: positioning a first examination subject (112) relative to a rotatable tomographic scanning unit (124); conducting a tomography examination of the first examination subject by rotating the scanning unit relative to the first examination subject to acquire tomography data from the first examination subject at a rotation frequency selected dependent on a type of the examination of the first examination subject from among a plurality of different rotation frequencies; removing the first examination subject from the scanning unit and positioning a second examination subject (112) relative to the scanning unit (column 10, lines 28-33); and conducting a tomography examination of the second examination subject by rotating the scanning unit relative to the second examination subject to acquire tomography data from the second examination subject at a rotation frequency selected dependent on a type of the examination of the second subject from among the plurality of rotation frequencies. However, the prior art fails to disclose the step of: rotating the scanning unit without interruption from a beginning of the examination of the first examination subject through an end of the examination of the second examination subject and, when neither of the first or second examination subjects is positioned relative to the scanning unit, rotating the scanning unit at a rest frequency selected from the group consisting of a rotation frequency that

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is smaller than a smallest of the plurality of rotation frequencies and a rotation frequency that is an average of the plurality of rotation frequencies as claimed.

With regard to claims 27-31, the closest prior art (U. S. Patent No. 5,901,198) discloses a tomography apparatus that comprises: a rotatable scanning unit (124) for acquiring tomographic data; a bearing device (122) for positioning a first examination subject relative to the scanning unit and for subsequent removing the first examination subject from the scanning unit and positioning a second examination subject relative to the scanning unit. However, the prior art fails to disclose a control unit that while rotates the scanning unit without interruption from a beginning of the examination of the first examination subject through an end of the examination of the second examination subject and, when neither of the first of the second examination subjects is positioned relative to the scanning unit, rotates the scanning unit at a rest frequency selected from the group consisting of a rotation frequency that is smaller than a smallest of the plurality of rotation frequencies and a rotation frequency that is an average of the plurality of rotation frequencies as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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Mueller (U. S. Patent No. 6,988,827 B2) disclosed a tomography apparatus that comprises a scanning unit that rotates without interruption from the beginning of the examination of a first examination subject through an end of the examination of a second examination subject (column 5, lines 1-30).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen C. Ho whose telephone number is (571) 272-2491. The examiner can normally be reached on Monday - Friday from 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Allen C. Ho/  
Primary Examiner  
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05 June 2007